

10/521422
#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AS DESIGNATED/ELECTED OFFICE (DO/EO/US)

Application No.: 10/521,422
International
Filing Date: July 26, 2002
Applicant: Alistair ROYSE *et al.*
Title: SURGICAL CLAMPS
Atty. Docket No.: 3029-086/NP

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS AND
SUBMISSION OF CORRECTED APPLICATION DATA SHEET**

Pursuant to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed August 4, 2005 (copy attached), enclosed herewith is a fully executed Declaration and Power of Attorney.

Also enclosed is a corrected Application Data Sheet that has been revised to incorporate corrections indicated by the inventors on the signed Declaration and Power of Attorney. A marked-up copy of the Application Data Sheet as originally filed is also enclosed for the Examiner's convenience.

Please update the records of the Patent Office to incorporate the changes indicated on the Declaration and revised Application Data Sheet and include this corrected information on the Official Filing Receipt.

Respectfully submitted,

Dated: September 23, 2005

By: 

David P. Utykanski, Reg. No.: 39,052
Attorney for Applicant

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303
(248) 641-1600

10/521422-4

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 3029-086/NP U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/521,422
INTERNATIONAL APPLICATION NO. PCT/AU02/00996	INTERNATIONAL FILING DATE 26 July 2002 (26.07.2002)	PRIORITY DATE CLAIMED
TITLE OF INVENTION SURGICAL CLAMPS		
APPLICANT(S) FOR DO/EO/US ROYSE, Alistair; HAMILTON, Brett; BERRY, David and KERR, Michael		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/521,422		INTERNATIONAL APPLICATION NO. PCT/AU02/00996		ATTORNEY'S DOCKET NUMBER 3029-086/NP	
20. Other items or information: Express Mail Transmittal (Label EV 717 342 198 US), check for \$130.00, Response to Notification of Missing Requirements and Submission of Corrected Application Data Sheet, Marked-up Application Data Sheet; Return Postcard					
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0				\$	
All other situations..... \$200					
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))				\$	
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations..... \$500					
TOTAL OF 21, 22 and 23 =				0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$ 50	\$	
Independent claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	0.00
TOTAL OF ABOVE CALCULATIONS =				\$	130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	0.00
SUBTOTAL =				\$	130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	0.00
TOTAL NATIONAL FEE =				\$	130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	0.00
TOTAL FEES ENCLOSED =				\$	130.00
10/04/2005 NKAYPAGH 00000154 10521422				Amount to be refunded:	\$
01 FC 1617 130.00 OP				Amount to be charged	\$

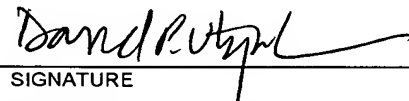
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☒ A check in the amount of \$ 130.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

David P. UTYKANSKI
HARNESS, DICKEY & PIERCE, P.L.C.
P. O. Box 828
Bloomfield Hills, MI 48303
United States of America



SIGNATURE

David P. UTYKANSKI

NAME

39,052

REGISTRATION NUMBER

Dated: September 23, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AS DESIGNATED/ELECTED OFFICE (DO/EO/US)

Express Mail No.: EV 717 342 198 US

Date of Deposit: 23 September 2005

Application No.: 10/521,422

International
Filing Date: July 26, 2002

Applicant: Alistair ROYSE *et al.*

Title: SURGICAL CLAMPS

Atty. Docket No.: 3029-086/NP

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Authorized Officer: Kaya L. Lewis Baltimore

EXPRESS MAIL TRANSMITTAL

The following papers are being deposited with the United States Postal Service Express Mail Post Office To Addressee on 23 September 2005 and addressed for receipt by the United States Patent and Trademark Office:

1. Express Mail Transmittal (Label No. EV 717 342 198 US);
2. Transmittal Letter to the US Designated/Elected/Office Concerning a Submission Under 35 USC 371 (3 pages, in duplicate)
3. Response to Notification of Missing Requirements and Submission of Corrected Application Data Sheet (1 page);
4. Signed Declaration and Power of Attorney (3 pages);
5. Corrected Application Data Sheet (3 pages);
6. Marked-up version of Application Data Sheet (3 pages);
7. Copy of Notification of Missing Requirements (2 pages);
8. Return Postcard.

HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600


Susan McGaw



3029-086/NP
 Missing Requirements
 Due 10/4/05
 DPU
 UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/521,422

FIRST NAMED APPLICANT

Alistair Royce

ATTY. DOCKET NO.

3029-086/NP

INTERNATIONAL APPLICATION NO.

PCT/AU02/00996

I.A. FILING DATE

07/26/2002

PRIORITY DATE

07/31/2001

27572

HARNESS, DICKEY & PIERCE, P.L.C.
 P.O. BOX 828
 BLOOMFIELD HILLS, MI 48303

CONFIRMATION NO. 2094

371 FORMALITIES LETTER



OC000000016684405

Date Mailed: 08/04/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/14/2005
- Copy of the International Search Report filed on 01/14/2005
- Copy of IPE Report filed on 01/14/2005
- Preliminary Amendments filed on 01/14/2005
- Information Disclosure Statements filed on 01/14/2005
- U.S. Basic National Fees filed on 01/14/2005
- Priority Documents filed on 01/14/2005
- Specification filed on 01/14/2005
- Claims filed on 01/14/2005
- Drawings filed on 01/14/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,422	PCT/AU02/00996	3029-086/NP

FORM PCT/DO/EO/905 (371 Formalities Notice)